

Ernie Fletcher
Governor

Teresa J. Hill
Secretary



Environmental Quality Commission

14 Reilly Road
Frankfort, Kentucky 40601-1132
Phone (502) 564-2150 Fax (502) 564-9720
E-mail: EQC@ky.gov
www.eqc.ky.gov www.kentucky.gov

Scott Smith, Chair, *Lexington*
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March 19, 2007

My fellow Kentuckians,

During the Environmental Quality Commission's (EQC) January 25, 2007 meeting on the topic of watershed management, citizens expressed concerns regarding three specific issues.

1. **Proposed Mining Activity Under the Lynch, Kentucky Aquifer** – A local citizen expressed concern regarding Department for Natural Resources (DNR) Mining Permit Application 848-5411, Amendment No. 1. The proposed permit would allow for underground mining activities proximal to the Lynch aquifer. The EQC submitted inquiries to the DNR about this permit application and received the following information.

Permit application 848-5411 has undergone two technical reviews by the DNR. Deficiencies were noted on 16 items within the permit application. These items, including those related to characterization of the Darby seam reservoir and surrounding rock strata, must be corrected to comply with State surface mining permitting laws and regulations (KRS 350 and 405 KAR). The deficiency notice was submitted in writing to the applicant on December 13, 2006, and the applicant was given 60 days to correct the deficiencies and resubmit the application to the DNR. Although a resubmittal was not received by the DNR within the 60-day timeframe, the applicant has communicated the intent to resubmit at a later date.

2. **Stream Buffer Zone Variances for DNR Permit Applications** - A local citizen expressed concern regarding the issuance of stream buffer zone variances (BZV) by the DNR for mining permit applications. The DNR was assumed to "grant BZVs as a matter of course." The EQC was asked to investigate this matter and determine how many BZVs are granted in relation to the number of permit applications approved by the DNR. The EQC submitted inquiries to the DNR regarding this issue and received clarification to BZV issuance by the DNR in the attached file – *DNR Stream Buffer Zone Frequently Asked Questions*.
3. **Follow-Up to the EQC's June 2006 Mountaintop Removal Mining Resolution** – Members of Kentuckians for the Commonwealth expressed concerns that no action had been taken by the Environmental and Public Protection Cabinet (cabinet) in response to the EQC's June 2006 Mountaintop Removal Mining Resolution. The EQC Executive Director, Jo Hargis, met with cabinet Secretary Teresa J. Hill, members of the cabinet's Office of the Secretary and DNR

Commissioner, Susan Bush, on February 27, 2007 to discuss the cabinet's response to the Mountaintop Removal Mining Resolution. The secretary stated that a formal response from the cabinet to the resolution would be forthcoming. The response will be forwarded to recipients of this letter and posted on the EQC's web site.

The Environmental Quality Commission is pleased to address these concerns of citizens of the commonwealth. Please contact us with additional questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Scott Smith", written in a cursive style.

Scott Smith, Chair
Environmental Quality Commission

Cc: Teresa J. Hill, Secretary, Environmental and Public Protection Cabinet
Lloyd Cress, Deputy Secretary, Environmental and Public Protection Cabinet
Susan Bush, Commissioner, Department for Natural Resources
Cheryl Taylor, Commissioner, Department for Environmental Protection
Mark York, Executive Director, Office of Communications and Public Outreach